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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KINGS

ANDRE SERNA, BRIAN FRANCO,
VINCENT DUARTE, and VICTOR
NARANJO, individuals, on behalf of
themselves and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

NICHOLS PISTACHIO, a California
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: **21C-0080**

**NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: April 23, 2024

Hearing Time: 8:15 a.m.

Judge: Hon. Valerie Chrissakis
Dept.: 8

Action Filed: March 18, 2021

Trial Date: Not set

TO ALL THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

YOU ARE HEREBY NOTIFIED THAT at 8:15 a.m. on April 23, 2024 in
Department 8 at the above entitled Court before the Honorable Valerie Chrissakis, Plaintiffs
Andre Serna, Brian Franco, Victor Naranjo, and Vincente Duarte ("Plaintiffs") will apply

1 for an order: (1) preliminarily approving the proposed settlement of this class action with
2 Defendant Nichols Pistachio (“Defendant”); (2) for settlement purposes only, conditionally
3 certifying the Class, which is comprised of “all individuals who are or previously were
4 employed by Defendant in the State of California and who were classified as non-exempt
5 employees at any time during the Class Period”; (3) provisionally appointing Plaintiffs as the
6 representatives of the Class; (4) provisionally appointing Norman B. Blumenthal, Kyle R.
7 Nordrehaug, and Aparajit Bhowmik of Blumenthal Nordrehaug Bhowmik De Blouw LLP as
8 Class Counsel; (5) approving the form and method for providing class-wide notice;
9 (6) directing that notice of the proposed settlement be given to the class; (7) appointing
10 Apex Class Action as Administrator, and (8) scheduling a final approval hearing date,
11 proposed for September 10, 2024 which is at least 120 days from preliminary approval, to
12 consider Plaintiffs’ motion for final approval of the settlement and for approval of attorneys’
13 fees and expenses.

14 This unopposed motion for preliminary approval of the class settlement is brought
15 pursuant to California Rules of Court, rule 3.769. Plaintiffs’ motion will be based on this
16 notice of motion and motion, the accompanying memorandum of points and authorities, the
17 Declaration of Kyle Nordrehaug, the Declarations of the Plaintiffs, the Class Action and
18 PAGA Settlement Agreement (“Agreement”) between the Parties, and the complete files and
19 records in this action. Because all Parties have agreed to the proposed class settlement, this
20 motion is not opposed by Defendant.

21 Respectfully submitted,

22 Dated: March 27, 2024

**BLUMENTHAL NORDREHAUG BHOWMIK
DE BLOUW LLP**

By: /s/ Kyle Nordrehaug
Kyle R. Nordrehaug, Esq.
Attorney for Plaintiffs